

REMARKS

Status of the Claims

Claims 1-40 are pending in the application.

Claims 1-40 have been subject to a restriction requirement.

By way of this amendment, claims 7-9, 14, 15 and 23-40 have been canceled, claims 1-6, 10, 12, 13 and 16 have been amended and new claim 41-67 have been added.

Upon entry of this amendment, claims 1-6, 10-13, 16-22 and 41-67 will be pending.

Summary of the Amendment

Claims 1-6 have been amended to refer to nucleic acid molecules as originally embraced in claim 9 which referred to nucleic acid molecules encoding the proteins originally claimed in claims 1-6. Thus claims 1-6 no longer claim proteins but rather claim nucleic acid molecules that encode proteins.

Claims 10, 13 and 16 have been amended to refer to claim 1 instead of canceled claim 9.

Claim 12 has been amended to be dependent on a single claim, claim 10. reference to claim 11 has been deleted.

New claim 41 corresponds to claim 12 but is dependent on claim 11.

New claim 42 is dependent on claim 1 and refers to embodiments wherein the nucleic acid molecule encodes CD80 mutants in which a portion of CD80 C region is present.

New claims 43-54 are directly or indirectly dependent on new claim 42 and correspond to claim 10, 11, 12, 41, 13, 16-22, respectively.

New claim 55 refers to a specific embodiment of the invention.

New claims 56-67 are directly or indirectly dependent on new claim 55 and correspond to claim 10, 11, 12, 41, 13, 16-22, respectively.

Restriction Requirement

Applicants provisionally elect Group III, claims 9-15, (now claims 1-6, 10-13, 41-47 and 55-60) directed to nucleic acid molecules encoding a protein free of the CD80 C domain,

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and vectors and compositions thereof. As discussed above, Applicants have amended claim 1-6 to refer to nucleic acids. Accordingly, as amended, claims 1-6 together with claims 10-13, correspond to Group III. Likewise, new claims 41-47 and 55-60 correspond to Group III.

Applicants respectfully request that the USPTO reconsider the requirement for restriction with respect to Group VI which is directed to the use of the compositions of elected Group III. Applicants respectfully urge that the addition of Group VI in the examination will not present an undue burden on the Office. Moreover, the methods claimed in Group VI represent independent and distinct inventions which are related to the compositions in elected Group III since the compositions of Group III are used to practice the methods of Group VI. Accordingly, under 37 CFR and the PCT rules Groups III and VI should be considered to have unity of invention. Accordingly, Applicants respectfully request that in addition to provisionally elected Group III (claims 1-6, 10-13, 41-47 and 55-60), Group VI (claims 16-22, 48-54 and 61-67) be examined.

Power of Attorney

Applicants' attorney notes that a Power of Attorney with Revocation and Change of Correspondence Address and a Statement Under 37 CFR 3.73(b) is being submitted herewith by each of the owners of the application.

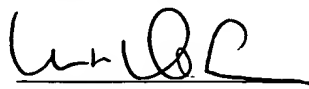
Conclusion

Claims 1-6, 10-13, 16-22 and 41-67 are in condition for allowance. An indication of allowability and a Notice of Allowance are earnestly solicited.

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Respectfully submitted,


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